



05-14-03

#12 5/20/03 Muccish
RCE/28025

Express Mail Label No. EV192309345US

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application No.	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

a. Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on _____.
b. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
c. Amendment/Response enclosed.
d. Affidavit(s)/Declaration(s) enclosed.
e. Information Disclosure Statement (IDS) enclosed.
i. PTO-1449
ii. Copies of IDS Citations
f. Other _____

RECEIVED
TECHNOLOGY CENTER 2800
MAY 19 2003**2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114**

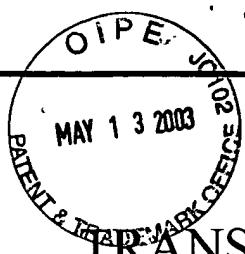
a. Small entity status
i. was established in the prior nonprovisional application.
ii. is established herewith by the enclosed written assertion of entitlement to small entity status.
b. A Petition and Fee for Extension of Time for 1 month up to and including June 3, 2003 is enclosed herewith.
c. A check in the amount of \$ 860.00 is enclosed.
d. The Commissioner is hereby authorized to charge the required fee(s), i.e., \$_____, to Deposit Account No. 20-0531.
e. The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

3. MISCELLANEOUS

a. Return Receipt Postcard enclosed.
b. Other _____

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,  Steven J. Frank Attorney for Applicant(s) Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110</p>

FRANKSJ5473\178.2624314_1



**TRANSMITTAL
FORM**

Application Serial Number	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets 7]	<input checked="" type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input checked="" type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above		

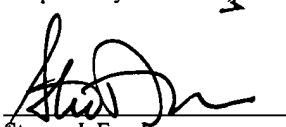
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CORRESPONDENCE ADDRESS

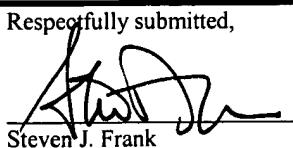
SIGNATURE BLOCK

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

Date: May 13, 2003
Reg. No. 33,497
Tel. No.: (617) 310-8108
Fax No.: (617) 248-7100

Respectfully submitted,

 Steven J. Frank
 Attorney for Applicant(s)
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110

FEES TRANSMITTAL FY 2003		<i>Complete if Known</i>	
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		First Named Inventor	Eugene A. Fitzgerald
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																	
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